

**REMARKS**

Claims 1-16, 18-21 and 23-26 were pending in the application. By this paper, claims 1-4, 8, 11-17 and 22-23 have been cancelled. Claims 5, 9, 10, 18, 24 and 25 have been amended. No claims have been added. Therefore, claims 5-7, 9-10, 18-21 and 24-26 are now pending in the application. Reconsideration of the application is requested for at least the reasons that follow.

Claim 5 has been rewritten into independent form.

Claims 1-4, 8, 11-17 and 22-23 have been canceled and, therefore, the rejections of these claims are now moot.

**35 U.S.C. § 103 Rejections****Claims 5-7, 9-10 and 24-25**

Claims 5, 6 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,663,215 ("Klausbruckner") in view of JP 2002-211007 ("Kawai"). Applicants respectfully request reconsideration and withdrawal of the rejections for at least the following reasons.

The rejection should be withdrawn at least because the references, taken together or separately, fail to teach or suggest "a scraper adjacent to said drum, said scraper being spaced from said printhead circumferentially around said drum, said scraper configured to scrape out heated ink residue out of said spittoon and put the heated ink residue into a container," as required by amended claim 5. Klausbruckner merely discloses a wiper 54 to clean a printhead 50. *See* Klausbruckner at Col. 5, lines 55-58. The wiper 54 of Klausbruckner is not disposed away from the printhead and "circumferentially around said drum," but rather, the wiper 54 is directly opposite the printhead 50 so that the wiper 54 may clean the printhead 50. *See* Klausbruckner at Fig. 6. Furthermore, the wiper 54 of Klausbruckner is not configured to remove heated ink out of spittoon and put the heated ink into a container. Klausbruckner does not disclose such an action or a "container." Kawai does not cure the deficiencies of the Klausbruckner. Assuming arguendo that Klausbruckner did include the heater of Kawai, the combined references still do not disclose a scraper configured to remove heated ink out of a spittoon and into a container. Therefore, Applicants respectfully request reconsideration and withdrawal of the rejection of claim 5.

Claims 6 and 10 depend from claim 5 and are allowable therewith, for at least the reasons set forth above, without regard to the further patentable subject matter set forth in these dependent claims.

Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Klausbruckner in view of Kawai and further in view of U.S. Patent Nos. 6,340,220 (“Gaylor”) and 6,764,160 (“Phillips”). Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kawai in view of U.S. Patent No. 6,508,552 (“Steinfeld”). Claims 24 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Klausbruckner in view of Kawai and further in view of *In re Japikse*.

Claims 7, 9, 24 and 25 depend from claim 5. None of the references, taken together or separately, teach or suggest “a scraper adjacent to said drum, said scraper being spaced from said printhead circumferentially around said drum, said scraper configured to scrape out heated ink residue out of said spittoon and put the heated ink residue into a container,” as required by claim 5. As discussed above, Klausbruckner merely discloses a wiper 54 configured to wipe ink off of a printhead and is not spaced away from the printhead “circumferentially around said drum.” None of the references, taken together or separately, cure the deficiencies of Klausbruckner. Kawai, Steinfeld, Gaylor and Phillips fail to teach or suggest a “scraper configured to scrape out heated ink residue out of said spittoon and put the heated ink residue into a container.” Thus, reconsideration and withdrawal of the rejections of claims 7, 9, 24 and 25 are respectfully requested.

#### Claims 18-21 and 26

Claims 18-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gaylor in view of Klausbruckner and Phillips. Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gaylor in view of Klausbruckner, Phillips, Kawai and *In re Japikse*. Applicants respectfully request reconsideration and withdrawal of the rejections for at least the following reasons.

The references, taken together or separately, fail to teach or suggest that “said removal device is movable in a circumferential direction and parallel relative to the circumferential surface of said drum, such that the removal device is configured to *move around and over a circumferential surface of said drum*” as required by claim 18. Gaylor merely discloses a

transferring spittoon system with a scraper 120 and a spit wheel 90. The scraper 120 of Gaylor does not move. Rather, the wheel 90 moves. *See Gaylor at Col. 8, lines 59-62.* Therefore, the scraper of Gaylor does not move "around and over a circumferential surface of said drum."

Klausbruckner does not cure the deficiencies of Gaylor. However, any movement of the scraper of Klausbruckner that moves with the drum is not movement "*relative to the circumferential surface*" of the drum. In Klausbruckner, the scraper can move forwards and backwards along the depth of the drum or move with the drum as the drum rotates; neither of which are circumferential movements relative to the circumferential surface of the drum. In addition, Phillips and Kawai do not cure the deficiencies of Gaylor or Klausbruckner. Applicants therefore request reconsideration and withdrawal of the rejection of claim 18.

Claims 19-21 and 26 depend from claim 18 and are allowable therewith, for at least the reasons set forth above, without regard to the further patentable subject matter set forth in these dependent claims.

#### Conclusion

Applicants believe that the present application is now in condition for allowance. Favorable reconsideration of the application is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

Respectfully submitted,

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